

DT02 Rec'd PCT/PTO 14 FEB 2005

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| FORM PTO-1390 (Modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 5-93) | | ATTORNEY'S DOCKET NUMBER |
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371 | | 80337.0018 US U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) To Be Determined |
| INTERNATIONAL APPLICATION NO. PCT/US02/025654 | INTERNATIONAL FILING DATE 13 August 2002 | PRIORITY DATE CLAIMED |
| TITLE OF INVENTION REMOTELY ADJUSTABLE GASTRIC BANDING DEVICE AND METHOD | | |
| APPLICANT(S) FOR DO/EO/US Frederick L. COE | | |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information: | | |
| <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> <input type="checkbox"/> is attached hereto. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> | | |
| Items 11 to 20 below concern other document(s) or information included: | | |
| <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98, PTO Form 1449 and copy of International Search Report.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> A substitute specification.</p> <p>15. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>16. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13^{ter}.2 and 37 CFR 1.821 – 1.825</p> <p>17. <input checked="" type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>18. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input checked="" type="checkbox"/> Other items or information: Return Receipt Postcard</p> | | |

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|---|--------------|--|-------------|---|-----------------|
| 107524864 O. (If known) 37 CFR 1.30 | | INTERNATIONAL APPLICATION NO. PCT/US02/025654 | | ATTORNEY'S DOCKET NUMBER 80337.0018 US | |
| 20. <input checked="" type="checkbox"/> The following fees are submitted: | | | | CALCULATIONS | PTO USE ONLY |
| BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5): | | | | | |
| Basic National Stage fee \$300.00 | | | | | |
| National Stage Search fee \$100.00 | | | | | |
| National Stage Examination fee \$100.00 | | | | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)) | | | | \$ | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | \$ | |
| Total Claims | 24 - 20 = 4 | | x \$ 50.00 | \$ 200.00 | |
| Independent Claims | - 3 = 0 | | x \$ 200.00 | \$ 0 | |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable) | | | | + \$ 360.00 | \$ 0 |
| For every 50 sheets or fraction therof of the specification and drawings that exceeds 100 sheets (excluding any sequence listing or computer program listing filed in an electronic medium) | | | | + \$ 250.00 | |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$ 200.00 | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½. | | | | + \$ | |
| SUBTOTAL = | | | | \$ 700.00 | |
| Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)). | | | | \$ | |
| TOTAL NATIONAL FEE = | | | | \$ 700.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 40.00 per property | | | | \$ | |
| TOTAL FEES ENCLOSED = | | | | \$ | |
| | | | | Amount to be refunded: | |
| | | | | charged: | \$700.00 |
| a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>50-3024</u> in the amount of <u>\$700.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-3024</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | | | |
| NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status. | | | | | |
| SEND ALL CORRESPONDENCE TO: Hogan & Hartson L.L.P. 875 Third Avenue New York, New York 10022 Customer No.: 41913 | | | | | |
|  SIGNATURE | | | | | |
| NAME _____ Tedd W. Van Buskirk REGISTRATION NUMBER _____ 46,282 | | | | | |
| Date: February 14, 2005 | | | | | |

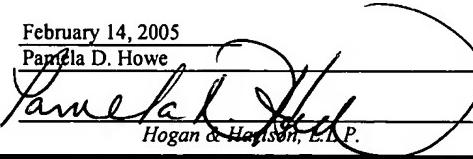
10/524864

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Post Office as "Express Mail" in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria , VA 22313-1450, on

Date: February 14, 2005
Name: Pamela D. Howe

Signature: 
Hogan & Hartson, L.L.P.

Docket No. 80337.0018 US

Customer No. 41913

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Frederick L. COE

File Date: To be Determined Group Art Unit:

Application No: To be Determined Examiner:

For: REMOTELY ADJUSTABLE GASTRIC BANDING DEVICE AND METHOD

CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Please change the correspondence address for the above-referenced application as follows:

Customer No. 41913

Hogan & Hartson, L.L.P.
875 Third Avenue
New York, NY 10022

Respectfully submitted,


Tedd W. Van Buskirk
Reg. No. 46,282

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